

EXHIBIT A

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1 KEVIN STOCK
2 COUNTY CLERK
3 NO: 17-2-12067-24
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6
7 **IN THE PIERCE COUNTY SUPERIOR COURT**
8 **STATE OF WASHINGTON**

9 THOMAS LEE EVANS,

10 Plaintiff,

11 v.

12 No.

13 COMPLAINT

14 JOHN DOE SHERIFF'S DEPUTY # 1, a
15 Pierce County Sheriff's Deputy, in his
16 individual and official capacity and JANE
17 DOE WIFE, and the marital community
18 comprised thereof; JOHN DOE SHERIFF'S
19 DEPUTY # 2, a Pierce County Sheriff's
20 Deputy, in his individual and official capacity
21 and JANE DOE WIFE, and the marital community
22 comprised thereof; PAUL
23 PASTOR, Sheriff of Pierce County, in his
24 individual and official capacity and JANE
25 DOE WIFE, and the marital community
26 comprised thereof; ROB MESKO,
Undersheriff of Pierce County, in his
individual and official capacity and JANE
DOE WIFE, and the marital community
comprised thereof; JOHN DOE PIERCE
COUNTY JAIL CORRECTIONAL
OFFICER, in his individual and official
capacity and JANE DOE WIFE, and the
marital community comprised thereof; PATTI
JACKSON-KIDDER, Chief of Corrections, in
her individual and official capacity and JOHN
DOE HUSBAND, and the marital community
comprised thereof; J. DOE JAIL MEDICAL
STAFF, in his/her individual and official

1 capacity and J. DOE SPOUSE, and the marital
2 community comprised thereof; MIGUEL
3 BALDERRAMA, M.D., Medical Director of
4 the Pierce County Jail in his individual and
5 official capacity and JANE DOE WIFE, and
6 the marital community comprised thereof; and
7 and PIERCE COUNTY, a municipal
8 corporation,

9
10 Defendants.

11
12 COMES NOW Thomas Evans, the Plaintiff, by and through his attorneys of record, Kannin
13 Law Firm P.S., and alleges as follows:

14
15 **PARTIES, JURISDICTION AND VENUE**

16
17 1.

18 The Plaintiff is a married man living in the County of Pierce, State of Washington.

19
20 2.

21 At all times referred to herein, Defendant PAUL PASTOR, Pierce County Sheriff was
22 employed by Pierce County and its Sheriff's Department as the sheriff of Pierce County, and is
23 believed to have been the supervising and commanding officer of Defendant ROB MESKO, Pierce
24 County Undersheriff; Defendant PATTI JACKSON-KIDDER, Chief of Pierce County
25 Corrections; Defendant, MIGUEL BALDERRAMA, M.D., Medical Director of the Pierce County
26 Jail; J. DOE JAIL MEDICAL STAFF, Pierce County Jail Medical Staff, and Defendants JOHN
DOE SHERIFF's DEPUTY #1 and JOHN DOE SHERIFF's DEPUTY #2. At all times referred to
herein, Defendant JOHN DOE SHERIFF's DEPUTY #1 was a deputy sheriff employed by Pierce
County and its Sheriff's Department. At all times referred to herein, Defendant Deputy Sheriff
JOHN DOE SHERIFF's DEPUTY #2 is believed to have been a deputy sheriff employed by
Pierce County and its Sheriff's Department.

1 3.

2 At all times referred to herein, Defendant ROB MESKO, Undersheriff was employed by
3 Pierce County and its Sheriff's Department as the Undersheriff and is believed to have been the
4 supervising and commanding officer of Defendant PATTI JACKSON-KIDDER, Chief of Pierce
5 County Corrections.

6 4.

7 At all times referred to herein, Defendant PATTI JACKSON-KIDDER, Chief of
8 Corrections, was employed by Pierce County and its Sheriff's Department as the Chief of Pierce
9 County Corrections and is believed to have been the supervising and commanding officer of
10 Defendant MIGUEL BALDERRAMA, M.D., Medical Director of the Pierce County Jail and
11 Defendant J. DOE JAIL MEDICAL STAFF and Defendant JOHN DOE PIERCE COUNTY JAIL
12 CORRECTIONAL OFFICER. At all times referred to herein, Defendant MIGUEL
13 BALDERRAMA, M.D., Medical Director of Pierce County Jail, was employed by Pierce County
14 and its Sheriff's Department as the Pierce County Jail Medical Director and is believed to have
15 been the supervising chief physician of J. DOE JAIL MEDICAL STAFF, Pierce County Medical
16 Staff. At all times referred to herein, Defendant J. DOE JAIL MEDICAL STAFF and Defendant
17 JOHN DOE PIERCE COUNTY JAIL CORRECTIONAL OFFICER were employed by Pierce
18 County.

19 5.

20 The Defendant PIERCE COUNTY is a municipal corporation and local government
21 entity conducting its operations within the State of Washington in Pierce County.

22 6.

23 All acts and omissions alleged herein occurred in Pierce County, Washington.

24 7.

Venue lies in the Pierce County Superior Court because the parties are residents of the State of Washington; the acts, errors, and failures to act occurred in Pierce County; and it is believed that at least one Defendant resides in and or conducts its business in Pierce County.

8.

This court has jurisdiction and venue over this action because the acts and failures to act occurred in the County of Pierce.

9.

Pursuant to RCW 4.96 a claim for damages regarding the events complained of herein was presented to the Risk Management Department for Pierce County.

10.

Defendant PIERCE COUNTY always referred to herein, employed Defendant PAUL PASTOR, Defendant ROB MESKO, and Defendant PATTI JACKSON-KIDDER, and was responsible for the hiring, training, supervision, and discipline of defendant JOHN DOE SHERIFF's DEPUTY #1 and Defendant JOHN DOE SHERIFF's DEPUTY #2, as more fully set forth below. Defendant PIERCE COUNTY and Defendants PAUL PASTOR, ROB MESKO, and PATTI JACKSON-KIDDER are further responsible by law for enforcing the regulations of the county of Pierce and for ensuring that county of Pierce deputy sheriffs obey the laws of Pierce County and the state of Washington, and are responsible for the hiring, training, supervision, and discipline of county of Pierce deputy sheriffs.

11.

Defendant PIERCE COUNTY always referred to herein, employed Defendant PATTI JACKSON-KIDDER, and Defendant MIGUEL BALDERRAMA, M.D., and was responsible for the hiring, training, supervision, and discipline of Defendant J. DOE JAIL MEDICAL STAFF, and Defendant JOHN DOE PIERCE COUNTY JAIL CORRECTIONAL OFFICER as more fully set forth below. Defendant PIERCE COUNTY and Defendants PATTI JACKSON-KIDDER and

1 MIGUEL BALDERRAMA, M.D., are further responsible by law for enforcing the regulations of
2 Pierce County and for ensuring that Pierce County Jail medical staff obey the laws of Pierce County
3 and the state of Washington, and are responsible for the hiring, training, supervision, and discipline
4 of Pierce County Jail medical staff.

5 12.

6 Defendant PIERCE COUNTY is a local government, organized as a municipal corporation
7 located in Washington, existing and organized under the laws of the State of Washington.
8 Defendant PIERCE COUNTY provides law enforcement services to its citizens, residents and
9 visitors by and through Pierce County Sheriff's Department. Defendant PIERCE COUNTY was
10 the employer of Defendant PAUL PASTOR, Defendant ROB MESKO, Defendant PATTI
11 JACKSON-KIDDER, Defendant MIGUEL BALDERRAMA, M.D., Defendant JOHN DOE
12 SHERIFF's DEPUTY #1, Defendant JOHN DOE SHERIFF's DEPUTY #2, and J. DOE JAIL
13 MEDICAL STAFF and Defendant JOHN DOE PIERCE COUNTY JAIL CORRECTIONAL
14 OFFICER at the time of the incidents alleged herein.

15 13.

16 Plaintiff sues all individual defendants in their individual and official capacities.

17 14.

18 At all times referred to herein, defendants PIERCE COUNTY, PAUL PASTOR, ROB
19 MESKO, PATTI JACKSON-KIDDER, MIGUEL BALDERRAMA, M.D., JOHN DOE
20 SHERIFF's DEPUTY #1, JOHN DOE SHERIFF's DEPUTY #2, and Defendant JOHN DOE
21 PIERCE COUNTY JAIL CORRECTIONAL OFFICER and J. DOE JAIL MEDICAL STAFF
22 acted under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the
23 State of Washington and Pierce County. Collectively these defendants are referred to as the Pierce
24 County Defendants.

25 **FACTS**
26

15.

2 On June 15, 2015, Plaintiff Evans was at his home, 2407 302nd St. Ct. S., Roy, in Pierce
 3 County. His wife, Leslie Evans, was with him at the family home. On June 15, 2015, early in the
 4 evening Defendant Pierce County Sheriff deputies JOHN DOE SHERIFF's DEPUTY #1 and
 5 JOHN DOE SHERIFF's DEPUTY #2 arrived at Plaintiff EVANS' home. Defendant deputies
 6 handcuffed and arrested Plaintiff EVANS. While loading Plaintiff Evans into the Defendant Pierce
 7 County's motor vehicle, Defendant deputies caused Plaintiff to hit his head on the Deputies'
 8 vehicle's door. Defendant deputies JOHN DOE SHERIFF's DEPUTY #1 and JOHN DOE
 9 SHERIFF's DEPUTY #2 drove Plaintiff EVANS to the Pierce County Jail.

16.

11 Prior to June 15, 2015 Plaintiff Evans' physicians had diagnosed him as suffering from
 12 Atrial-Fibrillation (A Fib). A Fib is a quivering or irregular heartbeat (arrhythmia) that can lead to
 13 blood clots, stroke, heart failure and other heart-related complications. The Pierce County
 14 Defendants' acts and failures to act on June 15, 2015 and subsequent days worsened and
 15 exacerbated Plaintiff Evans A Fib.

17.

17 Prior to June 15, 2015 Evans' physicians had diagnosed him as suffering from type 2
 18 Diabetes. Diabetes is a disease in which your blood glucose, or blood sugar, levels are too high.
 19 The Pierce County Defendants' acts and failures to act on June 15, 2015 and subsequent days
 20 worsened and exacerbated Plaintiff Evans' Diabetes.

18.

22 Defendant deputies JOHN DOE DEPUTY #1 and JOHN DOE DEPUTY #2 caused
 23 Plaintiff EVANS to be booked into the Pierce County Jail. At the jail, Plaintiff Evans reported
 24 that his head hurt. Defendant J. DOE JAIL MEDICAL STAFF is believed to have reviewed
 25 Plaintiff Evans' booking into the Pierce County Jail and approved Plaintiff Evans to be kept at the
 26

1 jail without adequate medical screening and without being examined by medical doctors or taken a
2 hospital.

3 19.

4 At the Pierce County Jail Plaintiff EVANS' condition and illnesses worsened ill while he
5 was incarcerated in the Pierce County Jail. Plaintiff made multiple requests for help and/or asked
6 for medical attention and to be seen by a physician. Pierce County Jail personnel, including
7 defendants J. DOE JAIL MEDICAL STAFF and JOHN DOE PIERCE COUNTY JAIL
8 CORRECTIONAL OFFICER ignored Plaintiff's requests and Plaintiff EVANS lost consciousness
9 in his jail cell at the Pierce County Jail. Plaintiff was eventually released from the Pierce County
10 Jail on June 18, 2015.

11 20.

12 Plaintiff EVANS was picked up from the Pierce County Jail by his wife. Plaintiff Evans'
13 condition and illnesses worsened. On the morning of June 19, 2015 Plaintiff's wife drove Plaintiff
14 Evans to the Emergency Department at the CHI Franciscan Health St. Joseph's Medical Center in
15 Tacoma, Washington.

16 21.

17 St. Joseph's Medical Center Doctors and medical staff treated Plaintiff EVANS for the
18 injuries caused by the defendants. Evans's physicians diagnosed him as having suffered a blood
19 clot in his brain/cerebellum caused by a blow/blunt force trauma to Plaintiff Evans' head. As a
20 further result of the head trauma Plaintiff Evans suffered a stroke. Plaintiff EVANS was admitted
21 to, and remained a patient at the St. Joseph's hospital where he was treated for his injuries.
22 Plaintiffs' physicians kept Evans under observation as he recovered from injuries and illnesses.
23 Plaintiff EVANS was discharged from the St. Joseph's Medical Center hospital on or about June
24 29, 2015.

25 22.

26

1 After Plaintiff EVANS was discharged from the hospital. Plaintiff's physicians continued
2 to provide medical treatment to Plaintiff for the injuries caused by the Defendants.
3 Plaintiff's physicians also diagnosed Evans' atrial fibrillation that was worsened and lit up as a
4 direct result of the Defendants' acts and failures to act. Plaintiff Evans underwent a painful course
5 of physical therapy that caused him to further suffer as a direct result of the Defendants' acts and
6 failures to act. Plaintiff Evans underwent speech therapy that caused him to further suffer as a
7 direct result of the Defendants' acts and failures to act. Plaintiff 's cognitive and speech functions
8 were impaired and he underwent additional medical treatment. Plaintiff is permanently partially
9 disabled as a direct result of the Defendants' acts and failures to act. act.

10 23.

11 After Defendants JOHN DOE DEPUTY #1 and JOHN DOE DEPUTY #2 arrested Plaintiff
12 Evans on June 15, 2015 Defendant Pierce County did not charge Plaintiff Evans with committing a
13 crime.

14 24.

15 On June 15, 2015, defendant PAUL PASTOR was the chief of police at the Pierce County
16 Sheriff's Department and as the Chief officer he was the supervising DEPUTY of defendants
17 JOHN DOE DEPUTY #1 and JOHN DOE DEPUTY #2. Defendant PAUL PASTOR was County
18 of Pierce employee responsible for training and supervising defendants JOHN DOE DEPUTY #1
19 and JOHN DOE DEPUTY #2. Defendant PAUL PASTOR was the County of Pierce employee
20 responsible for ensuring defendants JOHN DOE DEPUTY #1 and JOHN DOE DEPUTY #2 were
21 adequately and lawfully trained and supervised when carrying out their duties on behalf of the
22 Defendant PIERCE COUNTY.

23 25.

24 The Pierce County defendants caused Plaintiff Evans to suffer painful disabling injuries to
25 his person/body that required the expenditure of money for medical care and treatment of his
26

injuries. The Pierce County Defendants' acts and failures to act caused Plaintiff Evans to suffer serious permanent disabling injuries. Plaintiff Evans underwent medical treatment for his injuries. Plaintiff Evans anticipates additional medical treatment to be necessary for his injuries caused by the Pierce County Defendants' acts and failures to act. Plaintiff Evans's injuries were and are painful, permanent, disabling, and disfiguring. Plaintiff Evans continues to suffer from his injuries caused by the Pierce County defendants.

26.

The Pierce County defendants caused Plaintiff Evans to lose wages and income as a direct and proximate result of the injuries they caused him to suffer. The Pierce County Defendants' acts and failures to act impaired Plaintiff Evans' ability to earn wages. As a direct result Plaintiff Evans anticipates future lost wages caused by the Pierce County Defendants' acts and failures to act.

**FIRST CLAIM: NEGLIGENCE AGAINST INDIVIDUAL DEFENDANTS JOHN DOE
PIERCE COUNTY SHERIFF'S DEPUTY # 1 AND JOHN DOE PIERCE COUNTY
SHERIFF'S DEPUTY # 2**

27

Plaintiff re-alleges paragraphs 1 through 26 above.

28

Defendants JOHN DOE SHERIFF'S DEPUTY #1 and JOHN DOE SHERIFF'S DEPUTY #2 had a duty to not injure and/or harm Plaintiff Evans when they arrested him and took him into custody on June 15, 2015.

29

Defendants JOHN DOE DEPUTY #1 and JOHN DOE DEPUTY #2 breached this duty when they allowed/caused Plaintiff's head to hit their vehicle' door after they handcuffed him and loaded him into their vehicle, thereby causing Plaintiff Evans to suffer injuries to his person.

1
2
3 30.

4 As a direct and proximate result of this negligence Plaintiff Evans suffered damages in an
5 amount to be established at trial.

6 **SECOND CLAIM: *RESPONDEAT SUPERIOR* LIABILITY AGAINST PIERCE
7 COUNTY AND FOR ITS EMPLOYEES' NEGLIGENCE**

8 31.

9 Plaintiff re-alleges paragraphs 1 through 30 above.

10 32.

11 At all times, relevant herein, Pierce County was the employer of deputies JOHN DOE
12 DEPUTY #1 and JOHN DOE DEPUTY #2, and the deputies were acting within the scope of their
13 employment with Defendant PIERCE COUNTY when they negligently detained, arrested and
14 transported Plaintiff Evans causing Evans to suffer serious and permanent personal injuries.

15 33.

16 As a direct and proximate result of Defendant JOHN DOE DEPUTY #1's and Defendant
17 JOHN DOE DEPUTY #2's negligence Plaintiff Evans was injured and suffered damages in an
18 amount to be established at trial.

19 34.

20 Defendant PIERCE COUNTY is liable for the Defendant JOHN DOE DEPUTY #1's and
21 Defendant JOHN DOE DEPUTY #2's negligence, under the theory of *respondeat superior*.

22
23 **THIRD CLAIM: FALSE ARREST AGAINST INDIVIDUAL DEFENDANTS PIERCE
24 COUNTY SHERIFF's DEPUTIES JOHN DOE DEPUTY #1 and JOHN DOE DEPUTY #2**

25 35.

26 Plaintiff re-alleges paragraphs 1 through 34 above.

1 36.

2 Defendants JOHN DOE DEPUTY #1 and JOHN DOE DEPUTY #2 arrested Plaintiff
3 Evans without a warrant and without probable cause and/or a reasonable belief that Plaintiff Evans
4 had committed a crime.

5 37.

6 Defendant JOHN DOE DEPUTY #1 and Defendant JOHN DOE DEPUTY #2 caused
7 Plaintiff Evans to be arrested and/or held against his will.

8 38.

9 As a direct and proximate result of this false/unlawful arrest, Plaintiff Evans was harmed
10 and has suffered damages in an amount to be established at trial.

11
12 **FOURTH CLAIM: FALSE ARREST AGAINST PIERCE COUNTY**
13 **(*RESPONDEAT SUPERIOR*)**

14 39.

15 Plaintiff re-alleges paragraphs 1 through 38 above.

16 40.

17 At all times, relevant herein, Pierce County was the employer of the Defendant deputies
18 JOHN DOE DEPUTY #1 and JOHN DOE DEPUTY #2, and the deputies were acting within the
19 scope of employment when they arrested Plaintiff Evans without probable cause and/or a
20 reasonable belief that Plaintiff Evans had committed a crime.

21 41.

22 As a direct and proximate result of this false arrest, Plaintiff Evans has suffered damages in
23 an amount to be established at trial.

1 42.

2 Defendant PIERCE COUNTY is liable for the false arrest committed by the defendants
3 JOHN DOE DEPUTY #1 and JOHN DOE DEPUTY #2 under the theory of *respondeat superior*.
4

5 **FIFTH CLAIM: VIOLATION OF CIVIL CONSPIRACY AGAINST DEFENDANT
6 PIERCE COUNTY SHERIFF's DEPUTIES JOHN DOE DEPUTY #1 and JOHN DOE
7 DEPUTY #2, and/or DEFENDANT PIERCE COUNTY's EMPLOYEES**

8 43.

9 Plaintiff re-alleges paragraphs 1 through 42 above.
10

11 44.

12 On or about June 15, 2015 Defendant JOHN DOE DEPUTY #1 and JOHN DOE
13 DEPUTY #2, combined to act in concert to commit an individual act, or acts, or to commit a
14 lawful act by unlawful means, the principal element of which was an agreement between the
15 defendants to inflict a wrong against, or injury upon the Plaintiff, and/or an agreement between
16 the Defendant JOHN DOE DEPUTY #1 and JOHN DOE DEPUTY #2 and other employees of
17 Defendant Pierce County, to inflict a wrong against, or injury upon the Plaintiff. The incidents
18 occurring on June 15, 2015 and following days was an overt act, and/or a series of overt acts,
19 that resulted in damage to the Plaintiff, including disabling, permanent and disfiguring bodily
20 injuries.

21 45.

22 Plaintiff Evans claims damages for the injuries set forth above against Defendant JOHN
23 DOE DEPUTY #1 and JOHN DOE DEPUTY #2, Defendant PIERCE COUNTY and its
24 employees in an amount to be proven at trial.
25

26 **SIXTH CLAIM: RESPONDEAT SUPERIOR AGAINST DEFENDANT PIERCE
COUNTY FOR ITS DEFENDANT DEPUTIES' CIVIL CONSPIRACY**

27 46.

28 Plaintiff re-alleges paragraphs 1 through 45 above.
29

1 47.

2 At all times, relevant herein, Pierce County was the employer of the defendant deputies
3 JOHN DOE DEPUTY #1 and JOHN DOE DEPUTY #2, and the deputies were acting within the
4 scope of employment when they conspired to inflict a wrong against or injury upon the Plaintiff.

5 48.

6 As a direct and proximate result of the defendant deputies' conspiracy, Plaintiff Evans was
7 injured and has suffered substantial damages in an amount to be established at trial.

8 49.

9 Therefore, Defendant PIERCE COUNTY is liable for the defendant deputies' conspiracy
10 under the theory of respondeat superior.

11 **SEVENTH CLAIM: NEGLIGENT HIRING, RETENTION, TRAINING AND
12 SUPERVISION AGAINST DEFENDANTS PAUL PASTOR, ROB MESKO AND
13 DEFENDANT PIERCE COUNTY**

14 50.

15 Plaintiff re-alleges paragraphs 1 through 49 above.

16 51.

17 As the supervisory authority of deputies JOHN DEPUTY DOE #1 and JOHN DEPUTY
18 DOE #1 Defendant PIERCE COUNTY and Defendants Chief PAUL PASTOR, Undersheriff ROB
19 MESKO and other supervising employees owed a duty of care to persons in its jurisdiction to
20 make reasonable decisions when hiring County of Pierce Police Department deputies and to make
21 reasonable decisions in training, supervising, disciplining and retaining County of Pierce Police
22 Department deputies, to ensure that Pierce County Deputy sheriffs lawfully arrested citizens, and
23 would not use mistakenly and negligently injure or harm citizens/persons they come into contact
24 with and/or unlawfully arrest them.

25 52.

26 At to the time of the incident involving Plaintiff Evans or prior to and after the time of the

incident, it is believed that Defendant PIERCE COUNTY and Defendant PAUL PASTOR and Defendant ROB MESKO and other Defendant Pierce County supervising employees inadequately screened deputy sheriff candidates during the hiring process, and inadequately trained or supervised, and failed to discipline deputy sheriffs in its employment at the Pierce County's police department.

53.

These inadequacies were a cause of Plaintiff Evans's injuries or otherwise allowed the Defendants JOHN DOE #1 and JOHN DOE #2 to injure Plaintiff Evans.

54.

As a direct and proximate result of the Defendant PIERCE COUNTY and Defendants Chief PAUL PASTOR 's and undersheriff ROB MESKO's inadequacies, acts, and failures to act, Plaintiff Evans suffered personal injuries and damages in an amount to be established at trial.

EIGHTH CLAIM: NEGLIGENCE AGAINST INDIVIDUAL DEFENDANTS PATTI JACKSON-KIDDER, MIGUEL BALDERRAMA, M.D., JOHN DOE PIERCE COUNTY JAIL CORRECTIONAL OFFICER, and JANE DOE JAIL MEDICAL STAFF FOR DENIAL OF MEDICAL TREATMENT AT THE PIERCE COUNTY JAIL

55

Plaintiff realleges paragraphs 1 through 54 above.

56.

Defendants PATTI JACKSON-KIDDER, MIGUEL BALDERRAMA, M.D., JOHN DOE PIERCE COUNTY JAIL CORRECTIONAL OFFICER and JANE DOE JAIL MEDICAL STAFF had a duty to accurately screen and classify incoming prisoners and a duty to follow the laws of the State of Washington when accepting Plaintiff Evans into Defendants' jail. Defendants PATTI JACKSON-KIDDER, MIGUEL BALDERRAMA, M.D., JOHN DOE PIERCE COUNTY JAIL CORRECTIONAL OFFICER, and J. DOE JAIL MEDICAL STAFF had a further duty to other Pierce County employees, and/or, any one of the named defendants, from deliberately or recklessly

1 refusing and/or denying medical treatment to prisoners in their custody at the Pierce County jail,
2 and the defendants all have a duty to follow the laws of the State of Washington.

3 57.

4 Defendants PATTI JACKSON-KIDDER, MIGUEL BALDERRAMA, M.D., JOHN DOE
5 PIERCE COUNTY JAIL CORRECTIONAL OFFICER, and J. DOE JAIL MEDICAL STAFF
6 breached this duty when they admitted Plaintiff Evans' into the Pierce County jail without
7 accommodating his injuries and illnesses, and when they, deliberately, negligently, or recklessly
8 denied medical treatment to Plaintiff Evans when he was in the Defendants' custody at the Pierce
9 County jail. Defendants PATTI JACKSON-KIDDER, MIGUEL BALDERRAMA, M.D., JOHN
10 DOE PIERCE COUNTY JAIL CORRECTIONAL OFFICER and J. DOE JAIL MEDICAL
11 STAFF further breached their duty when they did nothing to stop each other and Defendant Pierce
12 County employees from negligently or recklessly denying medical treatment to Plaintiff Evans
13 when he was in the Defendants' custody at the Pierce County jail.

14 58.

15 As a direct and proximate result of this negligence Plaintiff Evans suffered damages and
16 will continue to incur substantial damages in an amount to be established at trial.

17 **NINTH CLAIM: NEGLIGENCE AGAINST PIERCE COUNTY FOR DENIAL OF
18 MEDICAL TREATMENT (*RESPONDEAT SUPERIOR*)**

19 59.

20 Plaintiff realleges paragraphs 1 through 58 above.

21 60.

22 At all times relevant herein, Pierce County was the employer of Defendants PATTI
23 JACKSON-KIDDER, JOHN DOE PIERCE COUNTY JAIL CORRECTIONAL OFFICER and J.
24 DOE JAIL MEDICAL STAFF, and the County's employees were acting within the scope of their
25 employment. Defendant Pierce County is liable for the negligent and reckless denial of medical
26

1 care or treatment to Plaintiff Evans by defendants PATTI JACKSON-KIDDER, JOHN DOE
2 PIERCE COUNTY JAIL CORRECTIONAL OFFICER and J. DOE MEDICAL STAFF, and the
3 deputies' failure to prevent each other from negligently or recklessly denying medical treatment to
4 its prisoners while in custody at the Pierce County Jail, under the theory of *respondeat superior*.

5 61.

6 As a direct and proximate result of this negligence Plaintiff Evans suffered damages and
7 will continue to incur substantial damages in an amount to be established at trial.

8
9 **TENTH CLAIM: NEGLIGENT HIRING, RETENTION, TRAINING AND SUPERVISION
10 AGAINST DEFENDANTS PAUL PASTOR, PATTI JACKSON-KIDDER, ROB MESKO,
11 MIGUEL BALDERRAMA, M.D. AND DEFENDANT PIERCE COUNTY**

12 62.

13 Plaintiff re-alleges paragraphs 1 through 61 above.

14 63.

15 As the supervisory authority of Defendants PATTI JACKSON-KIDDER, JOHN DOE
16 PIERCE COUNTY JAIL CORRECTIONAL OFFICER and J. DOE JAIL MEDICAL STAFF,
17 Defendants Chief PAUL PASTOR, ROB MESKO, MIGUEL BALDERRAMA, M.D. and/or
18 other supervising employees owed a duty of care, to persons in Pierce County's jurisdiction and in
19 custody at the Pierce County jail, to make reasonable decisions when hiring Pierce County
20 JAIL/Correctional Department officers, employees and medical staff, and to make reasonable
21 decisions in training, supervising, disciplining and retaining Pierce County JAIL/Correctional
22 Department officers, employees, and medical staff, to ensure that Pierce County
23 JAIL/Correctional officers, employees, and medical staff, did not mistakenly, deliberately or
24 unlawfully withhold, decline, medical care and treatment and/or fail to recognize prisoners'
25 medical conditions such that the defendants' acts and failures to act resulted in unnecessary
26 injuries and/or harm to persons within their custody and control at the Pierce County jail, such as

1 Plaintiff Evans.

2 64.

3 At the time of the incident involving Plaintiff Evans or prior to and after the time of the
4 incident involving Plaintiff Evans, it is believed that Defendant PIERCE COUNTY and
5 Defendants PAUL PASTOR, PATTI JACKSON-KIDDER, ROB MESKO, MIGUEL
6 BALDERRAMA, M.D. and other supervising employees inadequately screened Pierce County
7 JAIL/Correctional officers, employees, and medical staff, candidates during the hiring process, and
8 inadequately trained or supervised, and failed to discipline Pierce County JAIL/Correctional
9 officers, employees, and medical staff in its employment at Pierce County's correctional
10 department.

11 65.

12 These inadequacies were a cause of Plaintiff Evans's injuries or otherwise allowed the
13 Defendants, JOHN DOE PIERCE COUNTY JAIL CORRECTIONAL OFFICER and J. DOE
14 JAIL MEDICAL STAFF, and other Pierce County JAIL/Correctional officers, employees, and
15 medical staff, to harm and/or injure Plaintiff Evans.

16 66.

17 As a direct and proximate result of the Defendant PIERCE COUNTY, Defendants Chief
18 PAUL PASTOR, ROB MESKO, MIGUEL BALDERRAMA, M.D., and Chief Jail Warden
19 PATTI JACKSON-KIDDER's inadequacies, acts, and failures to act, Plaintiff Evans suffered
20 personal injuries and damages in an amount to be established at trial.

21
22 **RELIEF REQUESTED**

23 WHEREFORE, the Plaintiff prays for judgment and respectfully requests the
24 following relief, for:

- a. Damages against the defendants jointly and severally, in an amount to be proven at time of trial;
- b. Costs, fees, statutory attorney's fees, and out-of-pocket expenses pursuant to RCW 4.84, and any other applicable statute; and,
- c. Such other relief as this Court may deem just and equitable.

DATED this 6th day of October 2017.

KANNIN LAW FIRM P.S.

By:

John Kannin WSBA #27315
Attorney for Plaintiff Thomas Evans